

# QUID NOVI

Journal des étudiant-e-s  
en droit de l'université McGill

McGill Law's  
Weekly Student Newspaper

Volume 32, n°2  
28 septembre 2010 | September, 28<sup>th</sup> 2010



# QUID NOVI

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## WANT TO TALK? TU VEUX T'EXPRIMER?

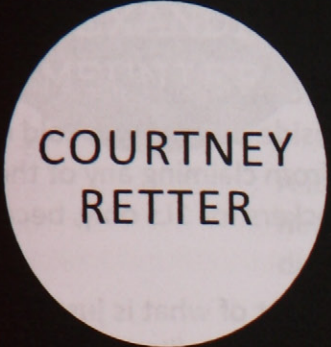
Envoyez vos commentaires ou articles avant  
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Toute contribution doit indiquer le nom de  
l'auteur, son année d'étude ainsi qu'un titre  
pour l'article. L'article ne sera publié qu'à la  
discretion du comité de rédaction, qui

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Contributions should preferably be submitted as  
a .doc attachment (and not, for instance, a  
".docx").





COURTNEY  
RETTTER

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Law 3  
Co-editor-in-chief

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## EDITORIAL - The Replacements

In the fall of 2008, after experiencing two full weeks of law school at McGill, I wrote an article entitled, "Ode to First Year." It was a compilation of my facetious observations and questions regarding my short time at the Faculty—*Why are my casebooks longer than my desk? Am I alone in my sudden need to inundate casual conversations with legal puns?* I intended on submitting the article to the *Quid Novi*. I had heard of the publication from my sister-in-law, a recent graduate of the McGill Law Program, and I was inexplicably excited about the idea of circulating a piece of my own writing outside of my usual audience, namely, my mother. I had never considered writing something for a student newspaper before. In fact, I had no real gage (and still don't) as to whether or not I could write. I did, however, always enjoy writing. And so, with inchoate confidence, I emailed the *Quid Novi* my article and waited for the first issue of the year to come out. One week passed. Two weeks passed. Inexplicably, there was no sign of an incoming *Quid*. I decided to inquire about the matter with the then-president of the LSA, Rachel Sevigny. Rachel promised to do some of her own investigating. What Rachel discovered was *Quid*shattering: the entire executive had graduated without, apparently, turning their mind to the fact that they needed replacements. And so Rachel, with her smorgasbord of prior obligations and commitments, and myself, someone with absolutely zero experience in publishing and editing, launched a "Save the *Quid*" campaign in order to prevent the loss of the Faculty's tradition. The response was overwhelming. Within a week, the *Quid Novi* has reassembled a team consisting of nearly 30 students acting as associate reviewers, staff writers, and layout editors.

And now, once again, the time has come for replacements. Chanel, Charlie and myself are all graduating (hopefully). The *Quid Novi* almost went extinct. The three of us fervidly want to prevent this from occurring. It is hard to describe how much I have learnt and come to love this publication. I am always amazed at the number of submissions there are in the *Quid* inbox on a weekly

basis—it doesn't matter if it is right before the L1 memo is due or November is looming, students are consistently and voluntarily committing their time to sharing their voice within this publication. It is, without question, a testament to the quality of our student Faculty. Not to get all maudlin, but I genuinely look forward to each issue and believe in both the utility and value of this publication. The *Quid Novi* is not meant to be ephemeral. I urge you all to keep the tradition alive.

As a result, Chanel, Charlie and myself would like to announce the following to the Faculty: Come January 2011, the *Quid Novi* will be holding interviews for the positions of Co-Editor-in-Chief. Our logic is as follows: we hope that L1/L2ers use this semester to get better acquainted with the publication and consider the possibility of starting a new *Quid* reign.


We ask interested students to submit the following to the *Quid* email address ([quid.law@mcgill.ca](mailto:quid.law@mcgill.ca)) by Friday, January 14, 2011 at 5 p.m.:

- 1) Curriculum Vitae
- 2) Letter of intent explaining why you want the position of Co-Editor-in-Chief of the *Quid Novi* and what experience (if any) you have with publishing.

Please take note that we are actively seeking a pair of Co-Editors who, together, are capable of both writing and editing the newspaper in French and English. It should also be noted that prior experience with publishing or the *Quid* itself is not necessary (both, however, are obviously assets).

Chanel, Charlie, and myself look forward to meeting with applicants in the New Year. We intend on using the Winter semester to train selected students. That way, the 2011-2012 transition year can occur with us out of sight, but hopefully never out of mind.




 RYAN  
GALLANT

# TO THE EDITOR

Dear Editor,

Oh the joys of a new Fall semester. A time when the waning summer days and the cool autumn evenings mingle with the anticipation of academic progress and the scent of fear emanating from 1Ls. This period of the year always brings me back to an afternoon way back in September 2008, when I, as a newly-minted 1L myself, joined in the gales of laughter of my cohort as we discovered the ridiculously small lockers we had just been issued. "Surely this must be some kind of joke," we chuckled to ourselves as we squished as many of our belongings as possible into them. However, as the days and weeks progressed, it slowly became apparent that it most certainly was not some elaborate prank orchestrated by the SAO. With time, we grew to accept the hand we had been dealt, and like a player slugging it out in the minors or a junior cop sweating it out in the bullpen, we accepted the hierarchy of the lockers: put in your time, and you will graduate to a big kid locker down the hall.

And so, for the past two years, my classmates and I have slung one or two comically oversized kitbags (backpacks or schoolbags to those of you not from PEI), winter jackets, books, laptops, etc. around New Chancellor Day and Gelber, all the while silently assuring ourselves that the light lay at the end of the tunnel, personified by a locker capable of holding more than thin coursepacks and Coffee House mugs.

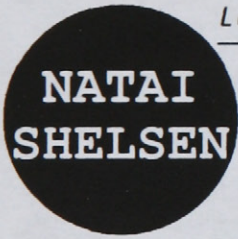
Imagine my surprise/rage when I arrived at school this Fall to find out that my world had been turned upside down. I was told in no uncertain terms that I was forbidden from claiming any of the useful lockers. No, I was told, the larger lockers for 1Ls only, because they (apparently) have a lot of books.

Having what I believe to be a keen concept of what is just and a strong aversion to arbitrary decisions, the cancelling of this tradition, to put it politely, pisses me right off. Yes, carrying all my belongings around with me for the next year and a half will be quite annoying, but to me that seems an ancillary point. The main point of contention is that after we had put in the requisite time for ascension to large lockerdom, we were denied without rhyme or reason. To use a Jukierian analogy, we had climbed the proverbial pole, only to have the contract cancelled as we reached the top. I am beginning to think that it has all been a practical joke after all. And a particularly unfunny one at that.

So let me conclude by apologizing to all my colleagues whose drinks I inadvertently spill and whose faces I accidentally smash each time I turn around with my armload of books and over-stuffed swinging kitbag. Try and be patient with me. I'm only carrying it all to compensate for my ridiculously small compartment downstairs.

Sincerely,

Ryan Gallant (3L)


 NATALI  
SHELSSEN

# UNCOVERING THE GENDERED EXPERIENCE OF LAW SCHOOL: ON HOLD UNTIL NOVEMBER

Since publishing my first article last week, many of you have come up to me in the halls or have emailed me to voice your opinion. First of all, thank you. Your responsiveness tells me that I'm meeting my goal of getting people talking about an important topic that hasn't received as much attention as it deserves lately.

Secondly, and more importantly for our purposes, the responses have been interesting (and telling): many women (and some men) thanked me for "finally saying what needs to be said" and have expressed their interest in reading more. Many men (and some women) have insisted that there is no "gendered experience of law school". The latter response has taken two main forms: some have told me their woeful stories and have summed up by saying "law school sucks for everyone, not just women" and others have opined that whatever gendered experience exists in law school is simply a reflection of the general gendered experience of the social world.

To the first set of disbelievers, I have this to say: Yes, it's true — law school sucks for a lot of people, regardless of gender. What my research has revealed, however, is that, while women and men succeed equally well intellectually, many women have a harder time emotionally. When this column continues, I will elaborate on this finding, and share with you the data that led me to that conclusion.

To the second set of disbelievers, I have this to say: you raise an interesting point, and I'm looking into it. Based on what I've seen and heard throughout my study last winter, I disagree, but I'm currently undertaking a second study which will hopefully shed some light on that question. For the sake of this new research, I have to hold off on publishing my previous study's results, so as to not skew my new findings. I will be done gathering data by mid-November, and will begin publishing again as soon as I can.



ARIANE  
LAUZIÈRE &  
ALEXANDRA  
MEUNIER

Law III

# THAT'S WHAT SHE SAID

## LET'S GET THE PARTY STARTED!

A lot of thought has been put into this column's name. In fact, a lot of thought has been put in deciding whether or not it was a good idea to even write a column for this year's QUID NOVI. As you might know, most women have a hidden Carrie Bradshaw within themselves. And as much as it is not easy for us to admit it, not only is Carrie Bradshaw very present in our minds, but she is also continuously asking to get out and start expressing herself. Our only fear was that, as you might (or might not) also know, no one can ever be sure a ghost of Samantha Jones is not going to come out of nowhere and ruin what you thought was a sensible and reasonable point of view.

As we weighed the pros and cons, we decided that we would just... let it be. Our will to positively contribute to this faculty's legendary paper HAD TO overcome our intrinsic fear of not having our message understood properly. Lady Gaga is fearless when she wears her crazy costumes and we probably don't understand her properly. Yet, no one can deny she does look like she is having a lot of fun wearing them!

Le titre de cette chronique en définit le ton. Ces articles seront légers et amusants. « That's what she said » se veut un point de vue féminin, sans pour autant être féministe. Pour les néophytes de la culture populaire des années 2000, la phrase « that's what she said » nous vient de l'émission *How I Met Your Mother* et fait des ravages dans l'imaginaire collectif (l'imaginaire masculin, soyons honnêtes). Le très célèbre (mais pas très pertinent) *Urban Dictionary* définit cette expression comme « The most versatile joke on earth ». L'utilisation de cette phrase à la blague est répandue, voire mondiale, ce qui illustre bien notre désir de vous ouvrir les portes du monde « trendy » de la culture populaire actuelle.

Fortes de nos deux années passées dans cette faculté de droit, nous réalisons aujourd'hui que le monde du droit est vaste. Tellement vaste, qu'on peut lire de la « chick lit », écouter des comédies romantiques, fantasmer sur Chuck Bass de l'émission *Gossip Girl* (on a tous nos faiblesses...) ou croire naïvement en la qualité d'auteur du blogueur Perez Hilton sans pour autant compromettre notre intelligence ou nos compétences juridiques. Nous croyons qu'il ne faut pas craindre d'être superficiel. « La légèreté, et elle seule, a le poids suffisant pour équilibrer la balance lourde de la vie »<sup>1</sup>.

C'est pour cette raison que l'écriture de cette chronique se fera dans l'esprit décrit plus haut : désinvolte, drôle et surtout sans prétentions. Notre but est tout simplement de vous divertir tout en s'amusant à écrire. Il faudra donc demander à votre cerveau de faire le TRÈS difficile exercice de nous prendre au premier degré... Try it, we know it might be hard for a law student...but we can assure you it's going to be fun.

Nous vous laissons sur une citation de *Sex and the City* qui, à notre avis, illustre bien la façon dont nous désirons personnifier l'auteure de « That's what she said » :

**« I will never be the woman with the perfect hair, who can wear white and not spill on it. »**

Admit it, you just CAN'T wait until next week to see which *Sex and the City* quote we will have chosen just for you!

XOXO Ariane Lauzière & Alexandra Meunier

1 Alix Girod de l'Ain





# AND FOR WHAT?

**My experience in choosing a law school was kind of like William Wallace's experience at the end of the movie Braveheart.** I am lying here on the torture rack and thinking to myself: "Do I choose the serrated knife blade or the butcher's cleaver?" The very notion of a professional degree used to make me throw up, just a little, but throw up nonetheless. After all, from an Arts student's perspective it was the ultimate deal with the devil. Why pull myself away from the comfortable world of "thought", this boundless universe called philosophy, just so I can make it in that cumbersome world called society, that limiting world of "action"? As I'm sure many philosophy graduates will tell you, lawyers are pseudo-intellectuals with no interest in thinking for thought's sake, but opportunists who see education as a means to ends they rarely even question.

"That's not true!" one of you more idealistically inclined students might say, "I want to use the law altruistically, to change the world!" Well, sorry to say, but pooh-pooh to that. The system will probably change you, not the other way around. In fact, I would be tempted to contend that this isn't really "you" speaking to begin with, but rather the two thousand hours of Sesame Street you probably watched as a kid, or, if you're more religiously inclined, the seven hundred Sunday school sessions you attended. What makes you think you have the right goals in sight, let alone the right means to help get us there? Liberals (and I'm not talking about the political party here) are quite apt to pat themselves on the back over how "enlightened" and "progressed" their values are, as opposed to actually challenging them to begin with. What implications are we forced to confront when we apply the parable 'think before you act' to situations larger than your childhood "just say no to drugs" dilemma? What happens when we apply it to our individual life spans from beginning to end, or better yet, to that of our species as a whole?

What I am still in the process of doubting, and what has ultimately been the cause of my hesitancy to study law, is whether or not these western legal systems of ours are in fact based on proper premises. I will be first to admit that the second sentence to the most powerful constitution in the world – "We hold these truths to be self-evident..." – sets off more than one alarm bell

in my mind. Truths? Self-evidency? To whom? According to which standards? The last time I checked, the only "truths" we have to hold onto are that we are a random product of jumbled matter, of evolution, living on a giant, flaming rock hurling through space at a gajillion miles an hour, and that the majority of Earth's inhabitants still spend a significant portion of their lives praying to the equivalency of a unicorn.

How is a sceptic supposed to react when he is being told he is about to inherit the wisdom of the ages? What if he has trouble respecting tradition to begin with? What if he is a rebel in spirit? Yes, he may find a healthy outlet, he may fall in tune with critical schools of legal studies. But, even then, to a Heidegorean at least, it is all a variation of the same string of thinking (Marxism or otherwise). It is all a product of the Enlightenment. The 18th century philosophes were like noisy, loquacious hotel guests, and those of us born in the 20th century are like the butlers still burdened with their baggage. Well what I want to know is: where is our tip? Am I really hauling this luggage up a stairway to heaven? And if so, is everything going to slip from my hands the moment before I reach the top? Do I really want to sacrifice this healthy pair of legs of mine helping this capitalist machine, this giant of a beast called Sisyphus, role its boulder up what may or may not be the wrong hill?

But, let's be fair for a minute. McGill Law is about as theoretical a law school as you can find in Canada. Let's not pretend that students at the University of Toronto are still discussing the feudal roots of the civil law tradition three weeks into their legal educations. Yet, in spite of all the history, all the context, and all the perspective, what we still have to ask at the end of the day is: Is it enough? Are we really going to leave here equipped to change the system, or is the system merely prepping us for the change to come in ourselves? We may have chosen the lesser of the two execution methods in deciding to come to McGill Law, but let's not forget that we are nonetheless, in a sense, like William Wallace. Like that Metric song, we can choose to "Fuck the pain away", and pretend, like that Eliot poem, to be "etherised upon a table", but at the end of the day we are strapped here all the same. **(ORAL VERSION OF ARTICLE:**

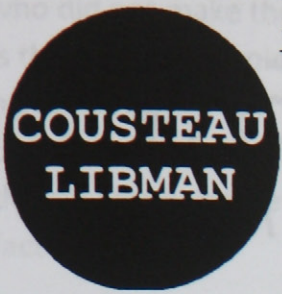
**<http://www.youtube.com/watch?v=xLImU1zS33w>)**

Community Law and the McGill Law Women's Caucus will be co-hosting next Coffee House, Thursday September 30th.

There will be a variety of fancy drinks, delicious home-made food and much more: do not worry, we'll still have your cold beer ready!

Join us for a drink (or more) and contribute to a good cause!





Law x

# ANIMAL DEATH: A CAUTIONARY TALE

*Please note the following short story is written by a law student who has chosen to submit his work under the pseudonym of Cousteau Libman.*

All was quiet in Canada. Families, deep in dream, slept in the warm comfort of their alarmed, fortress homes. The nation bathed in the silence of sleep. All was quiet until the animals rose.

The pigeons were the first birds to mobilize. They flew stealthily into the cities under the cover of darkness, infiltrating the pharmacies, and robbing them of their Pepto-Bismol and Exlax. It was a wise move. The drugs won them the war.

As they did this, legions of birds assembled, rank and file, in the outskirts of the cities: crows, robins, blue jays, sparrows, eagles, vultures, and turkeys stood side by side, their wings raised in salute to their supreme leader, Bastardo. I don't have the time to tell you about Bastardo's rise to power; in the end, all that really matters is that it was unbelievably bloody. He was feared, respected and obeyed – not only by the birds; but also by all of the animals in the kingdom.

The birds were placed in charge of the air campaign by the other animals, and those that had signed up to take the performance enhancing drugs that were soon to arrive at the front knew that this mission would undoubtedly be their last. But their hearts were far from heavy: they were filled with jubilation. They were keenly aware that they were sacrificing their lives for a greater good: for their supreme leader, Bastardo, their species, and the animal kingdom as a whole.

For the birds were not in this alone: it was a pan-animal effort. The uprising, as it was called, was planned in the days that followed the discovery of new networks of slaughterhouses - new death chambers that were being built and brought online by the human enemy to satisfy its gluttonous appetite for meat!

The animals were tired of being eaten; tired of being treated like mere animals; so they reached out to one another; and joined paws and claws; and armed and organized and mobilized.

As the birds took their positions, the infantry, comprised of bears, dogs, and deer, began to arrive. The plan was simple. The birds were going to bomb and overload the communication centers and power plants with excrement. Afterwards, they were going to concentrate their bombing efforts on the cities. In between the waves of bombings, legions of strategically placed flatulent cows were set, on the order of their general, to fart en masse and release clouds of methane gas that would be carried by the prevailing headwinds over the cities. They would choke off the air supply, and stink out and suffocate the human inhabitants. And then finally, after days of bombings and gas, the infantry would charge in and seize control.

Bastardo had conceived of the plan, and it was carried out in a brilliant stroke of genius. Humanity was taken wholly by surprise. Men rose to find their windows covered in thick cakes of excrement. When they left the safe comfort of their homes, unaware of what was amiss, their televisions black and fuzzy, their cell phones rich with charged batteries but deprived of reception, they met the terrifying fury of the cannibal pigeons. As the pigeons, with their copper

GPS guidance systems, located and zoomed towards their targets, they popped the pepto bismal capsules that they had been handed before takeoff. Pressure slowly built in their stomachs as they flew onward in the name of their great leader, Bastardo, with visions of his glory flashing before them. It built and built and built until they could contain it no more, and as they approached within inches of their target, they exploded with the force of an artillery shell. It is difficult to say how many lives were lost to the pigeons. We don't have any records; we only have artifacts - engravings made in the underground on subway walls with pipe metal.

Now you know how it happened.

What you do not know, though, is the ending of the story. When I did research in Montreal, as an undergraduate, I discovered artifacts that recorded that the animals started to eat the humans after they were conquered. This was never their intention. It just happened. Hungry animals began to reason amongst themselves. Why, they asked one another, should we not eat the humans? They feasted on our flesh for so many years, covering our young and old alike in garlic and oil.


Many animals spoke out against this course of actions in the animal councils that formed in the wake of victory. Each species spoke through a delegate, but the system was by no means democratic. For one thing, many of the species were autocratic, and for another, the arguments put forward by the birds were accorded the most respect as a result of the critical role that they played in the opening stages of the offensive.

And it was the birds that most wanted to eat the humans. The turkeys were furious about thanksgiving, and the pigeons, lusting for revenge, talked only about eradication. The pigeons were sick with revenge. They had been fed seeds soaked in birth control, metal wire had been placed on all of their favorite stoops, and they were constantly kicked and chased on the streets. They had no rights under the human regime. They were abused and maligned. The pigeons slowly sold the bird population and then the animal population on the idea that it was ethical and important to eat the humans. Good nutrition demanded it. And besides, they reasoned, can we really trust them? If they gain the upper hand again, they will not think twice about a mass slaughter. This being the case, why don't we eat them? If we wait too long, they will get too skinny. If we are to live in the cities, away from the comfort of our nourishing forests, we need a food source that is dependable and rich in nutrients. This is it friends, this is it!

And so, the humans, trapped in their homes, sick with fear, were retrieved one after another and summarily executed and eaten. Why? – You might ask. Because of hubris! Because humankind never thought that it would happen, and so never thought to guard against its happening.

Never be so arrogant as to assume that you are safe. We are all potential victims.




 MICHAEL  
SHORTT

# NOT ROCKET SURGERY

*-Economics 101 in 5 pages or less-*

Common Law Property and Propriété Intellectuelle both involve a considerable amount of economics. This has, in turn, involved a considerable amount of confusion. Many of our texts assume that readers are already familiar with economic theory and terminology, and so the authors rarely provide definitions and context for the concepts that they introduce. To correct this oversight, I thought I'd introduce some of the common terms and theoretical concepts that are necessary to understanding economics (or at least the kind of economics that makes its way into law journals).

## Opportunity Costs

If you take one thing away from this article, I hope it will be the definition of opportunity costs, since it's a key concept in economics and pervasive in real life as well.

The opportunity cost of a decision is the value of the alternative you give up by making your decision. If there are multiple possible alternatives, then the opportunity cost is the value of the best alternative that you give up.

Read the examples below right now to get context for what I have just said, since defining opportunity costs is inevitably technical and abstract at first. Now that you've read them, you should start to see opportunity costs everywhere. When you go to a movie, you sacrifice both money and time. The opportunity cost of the movie is what you could have purchased with the money and what you could have done with your time. So if you paid cash for your ticket, the opportunity cost of that

money is the next-best thing you could have bought with that money. Conversely, if you paid for your ticket with a gift certificate, there is no opportunity cost, since the certificate cannot be used to purchase anything else.

Example 1: During the course aux stages, students are invited to lunch by participating law firms. These lunches are paid for by the firms, so there is zero financial cost to the student. But are these lunches "free" in the economic sense? Not necessarily. If two law firms invite a student to lunch on the same day, this creates an opportunity cost. Accepting the invitation from firm A involves giving up the opportunity to have lunch with firm B, and vice versa. Thus the opportunity cost of accepting A's invitation is the value of having lunch with B. The opportunity cost of accepting B's invitation is the value of having lunch with A. Of course, these costs only exist because of scheduling conflicts – if the lunches were held on different days there would be zero opportunity cost since the student wouldn't give up one firm's offer by accepting the other.

Example 2: Suppose you are considering taking two years off work to get an LL.M. Your research indicates that lawyers with an LL.M. make an extra \$10,000 per year. Suppose that you currently make \$100,000 per year and that the degree will cost \$40,000. This might seem like a good deal – the degree will seemingly pay for itself in 4 years, after which point you will be making extra income. However, this calculation omits the opportunity costs of the time spent obtaining the LL.M. which is \$200,000 in lost income.

Thus the true cost of the degree is \$240,000 – so it will take 24 years for the LL.M. to pay for itself! As with the iceberg metaphor, invisible opportunity costs can often be far larger than visible accounting costs.

Example 3: Opportunity costs are pervasive in public policy decisions. Investing more money in the health care system will improve Canadians' life expectancies, which is a good thing. Should we therefore invest an unlimited amount of money in Medicare? Of course not, since investments in healthcare come at the cost of investments in other public policy goals like education, roads and social security. Thus the cost of an extra year of life for all Canadians may be unacceptable once we factor in how much education/infrastructure/unemployment insurance that amount of money could buy. While healthcare is never a "bad investment" in an absolute sense, since each dollar spent on Medicare offers additional years of life to Canadians, it may become a "bad investment" relative to other public policy goals.

## Externalities

There are two kinds of externalities: positive and negative. Positive externalities deal with benefits, negative externalities deal with costs. In general, economists and lawyers are interested in negative externalities, since they seem to be more common and have a larger impact on peoples' lives than positive externalities do.

A negative externality is a cost, arising from a decision, which falls on someone



who did not make the decision. Pollution is the classic example of a negative externality. A factory that causes acid rain imposes a cost on the local community, yet this cost is not borne by the owner of the factory.

A positive externality is a benefit, arising from a decision, which accrues to someone who did not make the decision. Beautifying your house creates a positive externality for your neighbours by raising the property values on their homes. Yet we do not normally take this effect into account when deciding how much to spend on renovations – we normally think only about the value added to our own house.

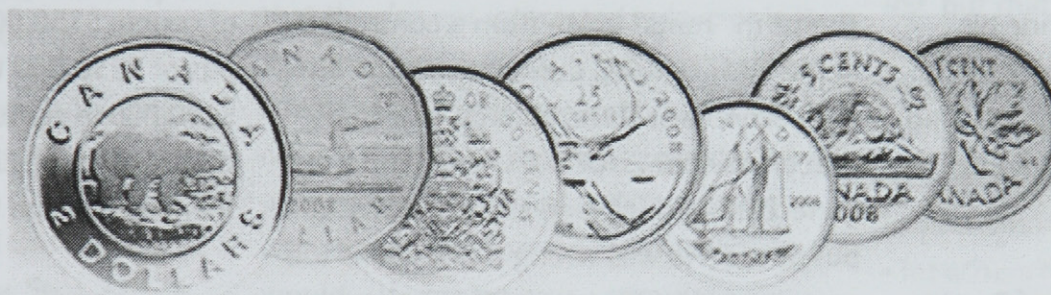
Externalities are problematic because decision-makers have no reason to consider costs borne by other people (or benefits accruing to others for that matter). Hence goods with negative ex-

ternalities will be more common than they should be, and goods with positive externalities will be less common than they should be. If the factory owner from the previous example is asked whether he wants to buy a pollution scrubber for his factory, he will think only about its impact on his profit margins, rather than its impact on the welfare of the surrounding community.

The term “internalizing” externalities means altering decision-makers’ incentives until they have a good reason to account for externalities. Thus the costs or benefits cease to be external to the decision and are “internalized.” An example of this in the context of pollution is carbon credits; once polluting has a direct financial cost, firms account for this cost in their decisions. Property rights are often proposed as a method of internalizing ex-

ternalities (as in the carbon credits example) but there are other possibilities. If citizens are given the right to sue for health or property damage associated with acid rain, this could also internalize pollution externalities.

Economist R.H. Coase proved an important result about externalities known as the Coase Theorem. This theorem states that creating property rights will internalize externalities in an efficient manner under two conditions: (1) the division of rights is sufficiently clear; and (2) negotiations between economic actors are costless. Interestingly it doesn’t matter how these property rights are assigned, as long as exactly one actor holds any given right. Even if rights are given to the “wrong”



actor, market transactions after the assignment of rights will ensure that the eventual rights-holder is the most efficient one.

Example: Two radio stations in neighbouring towns broadcast on the same frequency. This creates interference in each others’ broadcasts and listeners in both towns hear a lot of static. This static is an externality imposed on them by the radio station in the other town, which doesn’t care about its interference with listeners who aren’t in its direct broadcast area. This externality can be (and was, historically) internalized by auctioning off broadcasting rights in the radio spectrum. Once one of the radio stations owns the frequency, it can exclude the other station and remove the externality. Economists like this solution – since the more profitable station will probably win the auction,

and profits correlate with the size of the station’s audience, the most profitable station is probably the one that serves the larger community. Thus static-free radio service is delivered to the larger of the two towns, which maximizes social utility.

### Pareto Efficiency

Economists abhor inefficiency in the same way that nature abhors a vacuum. Inefficiency means waste, and waste means unnecessary human deprivation or suffering. This concern colours most economic thinking and has led to the development of many different conceptual tools for studying efficiency. One of these concepts is Pareto Efficiency, which deals with the distribution of wealth (or legal rights or other valued resources) among individuals.

A situation is Pareto efficient if it is not possible to make anyone better off without, at the same time, making someone else worse off. On the flip side,

a situation is Pareto inefficient if it is possible to make someone better off at no cost to anyone else.

Let’s think about the implications of this definition. In a Pareto efficient situation, there are no unused resources and no easy way to improve the situation – perhaps we can make many people better off, but we will still have to make at least one person worse off. On the other hand, a Pareto inefficient situation has easy opportunities for improvement, since some people can be made happier or better off at no cost to anyone else. Clearly we never want to be in a Pareto inefficient situation.

Pareto efficiency has its limits though. In particular, many unjust or counter-intuitive distributions of wealth are Pareto efficient (see the example below). So we



can't say that all Pareto efficient outcomes are "good" or "desirable." What we can say, though, is that no Pareto inefficient outcome is good or desirable, since we can improve it for at least one person at no cost to anyone else.

Example: Anne, Bob and Charles-Andre are having a picnic. Each of them receives a smoked meat sandwich and some French fries. Suppose that Anne is a vegetarian and Bob really, really loves smoked meat sandwiches. Charles-Andre likes both sandwiches and French fries. Is their current situation Pareto efficient? No – because Anne can't eat her smoked meat sandwich, and it is possible to make her happier without making anyone worse off.

If Anne gives Bob her smoked meat sandwich, and in return Bob gives Anne his French fries, they are both happier than they were before, and Charles-Andre is no worse off. This new situation would be Pareto efficient.

However, to illustrate the limits of Pareto efficiency, let's continue our example. Suppose that Charles-Andre was forced to give his French fries to Anne and his sandwich to Bob. Now Anne has three servings of French fries and Bob has three smoked meat sandwiches, while Charles-Andre has nothing. Is this Pareto efficient? Yes – because now we can only make Charles-Andre better off at the cost of depriving Anne or Bob of their food (which would make them worse off).

### Rents

An economic rent is any price above the minimum price necessary to purchase something (whether that something is a consumer good, a service, an employment contract, land, etc.). If I am willing to sell my old desk to you for \$40, but you offer me \$100 and I accept, then I just accumulated \$60 in rents. If farmers are willing to grow sugar beets for \$20 a ton, but

government subsidies guarantee them a minimum price of \$30 a ton, then they receive \$10/ton in economic rents. If a contractor knows that his minimum price to do job is \$3,500 but accepts an offer of \$5,000, then he accumulates \$1,500 in economic rents. In general, the minimum price to purchase a good or service is the value of its next-best use, or opportunity cost (see example 3, below).

Economists condemn both rents and attempts to gain them ("rent seeking") because rents constitute "payments for nothing". Rents are, after all, by definition payments over and above what is actually needed to induce economic activity. Thus they are an excessive burden on whoever is required to pay them.

The term "rents" arose from a controversy in the 19th century, during which the English economist David Ricardo asserted that all payments for the use of land were unnecessary, since land costs nothing to put to use. He was wrong (for reasons too complicated to discuss here) but the term stuck and has been used ever since to refer to unjustified price levels.


Example 1 (adapted from our Common Law Property coursepack): Suppose that you accidentally build an extension to your house on your neighbour's land. The market value of this land is \$2,000 but because you've already built on it, your neighbour charges you \$6,000 for the land, knowing that you'll take this deal because it's cheaper than demolishing your extension and starting again. Your neighbour earns \$4,000 in economic rent, since ordinarily he would have accepted the market price of \$2,000 in exchange for the land.

Example 2: Suppose that in Canada milk is produced at a cost of \$1 a litre. Because the market for milk is competitive, milk sells for close to \$1 a litre, plus a modest

profit margin. Then one day, the milk industry successfully lobbies the government to ban the importation of milk, drastically reducing the supply of milk in the market. The domestic price of milk rises to \$3 a litre. Milk farmers are now making \$2 worth of economic rents, since these profits are in excess of the minimum necessary for them to supply society with milk – they were happy to sell milk to Canadians for roughly one dollar per litre, and are now supplying the same quantity of milk for three times as much per litre.

Example 3: Suppose lawyers in Montreal make an average of \$150,000. Setting aside the question of work-life balance, how much would McGill need to pay a practicing lawyer to convince him or her to become a law professor? The answer is of course \$150,000. If McGill offered salaries of \$250,000 this would represent \$100,000 in rents paid to professors, since the extra money is not needed to lure them away from legal practice.





**MELANIE  
BENARD**

# ROLLING WITH THE PUNCHES: A STUDENT'S FIRST-HAND ACCOUNT OF WHEELCHAIR ACCESSIBILITY AT THE LAW FACULTY

*Melanie Benard is the Coordinator of the Disability and the Law Portfolio of the Human Rights Working Group*

Some of you may have noticed something quite unique at the Faculty this week: a student in a wheelchair. That was me! But fear not, fellow students - I am neither injured, paralyzed, nor in pain. I simply decided to attend all of my classes in a wheelchair for a day. My goals in doing so were to:

Determine the wheelchair accessibility of the Law Faculty (and surrounding areas);

Promote awareness regarding disability and accessibility issues at the Faculty;

Promote the Disability and the Law event taking place on Wednesday, Sept. 22<sup>nd</sup> (A seminar by **Michael Ashley Stein**, Executive Director of the Harvard Law School Project on Disability (<http://www.hpod.org/>) and a participant in the drafting and monitoring of the United Nations Convention on the Rights of Persons with Disabilities (<http://www.un.org/disabilities/>)).

As the Coordinator of the Disability and the Law portfolio of the Human Rights Working Group (HRWG), I'd been racking my brain for quite some time to come up with an effective way of getting people engaged in disability-related issues. Although our group has existed since 2002 (as an independent student group for eight years and now as part of the HRWG), it has historically been difficult to get students' support in our mission of promoting accessibility and awareness about disability issues. Since very few students at the Faculty have visible disabili-

ties, these issues often go unnoticed and unaddressed, both in our classrooms and in our daily lives. It's all too easy to ignore something that's hidden from view - "out of sight, out of mind". It seems to me that first step towards creating an inclusive community in which all students - including those with disabilities - have an equal chance to participate in the rich diversity of opportunities at the Faculty is to get people thinking about accessibility issues. Why don't we see more students with visible disabilities at the Faculty? Is it simply that they're not interested in law, or is it that the Faculty is not a sufficiently accessible and welcoming environment? Of course these complex questions can't be answered simply by spending a day in a wheelchair, but I hoped that my initiative would - if nothing else - stimulate discussion around accessibility.

I was by no means the first person to undertake such a project. Disabled rights activists often encourage groups of politicians to try to get around their cities in wheelchairs. (To read about two recent examples, visit: <http://www.theglobeandmail.com/news/politics/ottawa-note-book/mps-learn-tough-lessons-about-using-wheelchairs/article1566410/> and [http://montreal.ctv.ca/servlet/an/local/CTVNews/20100912/mtl\\_wheelchair\\_access\\_100912/20100912/?hub=Montreal-Home](http://montreal.ctv.ca/servlet/an/local/CTVNews/20100912/mtl_wheelchair_access_100912/20100912/?hub=Montreal-Home)). However, before undertaking this project, I spoke with a few people who use wheelchairs at McGill in order to ensure that my actions wouldn't be misunderstood. One person told me: "I don't know anybody in a wheelchair that would take that view. If you have critics, they will

almost certainly be able-bodied people. I suggest that when confronted by such persons, you try to redirect their concern towards the material conditions that confront wheelchair users in this city on a daily basis - it is those conditions that are truly offensive!" Another person provided me with some useful tips:

If you find barriers such as stairs or doorways with steps, don't get out of the wheelchair. Find another way to go around. I know this will be time consuming, but that's what it's like.

Allow people to help you. Pushing yourself all day will be tiresome. If you have trouble reaching something, stay seated in your chair. Don't get up to get anything - let others help. If no one is around, you're going to have to wait a few minutes. Yes, this can be frustrating.

Find an accessible washroom. You will find that it is difficult to maneuver in a stall, but do the best that you can.

If your classroom is not accessible, you might have to miss class. You may not be comfortable with this, but this is reality.

With all of this in mind, I sat down in my wheelchair at 8:30am on Tuesday morning, and remained there until 6pm that evening. What did I learn? First of all, I discovered that my own clumsiness and lack of wheelchair experience made me incredibly reliant on other people's help. Once people got over their initial shock of seeing me in a wheelchair, and once I'd explained the purpose of my proj-



**DISABILITY  
& THE LAW**



ect, many (if not all) students I encountered offered their support, either through words of encouragement or by offering a friendly push or a helping hand with a heavy door. Without their support, I would have had significant difficulty attending my classes (not to mention getting into the washroom or moving up and down inclined hallways). Although I'm certain that some of these things would get easier with practice, my experience reinforced the necessity of cooperation and assistance in environments that are less than perfectly accessible. As someone who never speaks up in class and who generally tries to go incognito, I also found it very difficult to be the center of attention all day long. It's hard to go unnoticed when you take up so much space and you look so different from everyone else. Again, I presume these things might get easier with practice, but I'm not sure they'd ever get *easy*.

So how wheelchair accessible is the Law Faculty? Well, to put it simply, it is difficult - but not impossible - to get around. In fact, it was much more accessible than I'd anticipated, most likely due to the relatively recent construction of New Chancellor Day Hall and the library. The main entrance has a ramp, the main doors have electronic opening devices (which most of you probably use on a regular basis, since it takes arms of steel to be able to open them manually), and at least two of the washrooms are wheelchair accessible (the ones in the library and near OCDH). We also have elevators that facilitate movement between floors, and although I had to rely on students' assistance to open the classroom doors,

the double doors made it possible to get through in my chair. Great start! I found out recently that a former law student who used a wheelchair was involved in the planning of some renovations at the faculty. That would explain the relative ease of access. However, the incline of the floors in many of the classrooms and the limited space between the desks made it very difficult to find a place to sit; I had to (rather uncomfortably) take notes on my lap for a few of my classes. I also wasn't able to access my locker (which is down a few steps), but I assume that if I were



going to be using a wheelchair for an extended period of time, I would have been allocated a locker in one of the more accessible sections (a perfect excuse to get a bigger locker!). The ramp in the Moot Court isn't currently working, but it's in the process of being repaired. All in all, things aren't so bad.

Getting around outside of this building was, however, a whole other story! I had tremendous difficulty getting to my class at the Faculty of Education. This journey required the assistance of two students who graciously volunteered all their strength to push me up the hill and help me over the many cracks in the sidewalk. It's absolutely amazing how much trouble a small crack in the pavement can cause! We also had trouble finding areas where the curb was low enough to allow the chair on and off the sidewalk. The fact that the University is built on a mountain

certainly doesn't make accessibility an easy task, and I don't suppose we can hold the University accountable for the maintenance of our city sidewalks. The city, on the other hand, has a lot to answer for!

All in all, this was an eye-opening experience, both for myself, and (hopefully) for the students around me. I would, however, like to emphasize that mobility impairments are only one form of disability. In order to make our learning environment truly accessible, it is crucial to consider factors that will facilitate the inclusion and participation of people with vision loss, hearing impairments, learning disabilities, and mental health issues, among other disabilities. The best way of going about this is to consider accessibility in designing everything from buildings and classrooms to learning materials. It's generally much easier (and cheaper) to consider these factors

before implementing a new project than it is to try to improve the accessibility of existing environments and materials. "Universal design" is an approach to design that focuses on making all products and environments as usable as possible by as many people as possible, regardless of their age, ability, or situations. The principles of universal design include:



**Equitable Use** (The design is useful and marketable to people with diverse abilities);

**Flexibility in Use** (The design accommodates a wide range of individual preferences and abilities);

**Simple and Intuitive Use** (Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level);

**Perceptible Information** (The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities);

**Tolerance for Error** (The design minimizes hazards and the adverse consequences of accidental or unintended actions);

**Low Physical Effort** (The design can be used efficiently and comfortably and with a minimum of fatigue);

**Size and Space for Approach and Use** (Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture, or mobility). (Source: North Carolina State University, Center for Universal Design).

We've come a long way so far in improving the accessibility of the Faculty. (One need only take a quick glance around Old Chancellor Day Hall to observe these improvements). However, we've still got a long way to go in implementing the principles of universal design and improving the accessibility of the Faculty in general.

Prior to commencing my legal studies, I

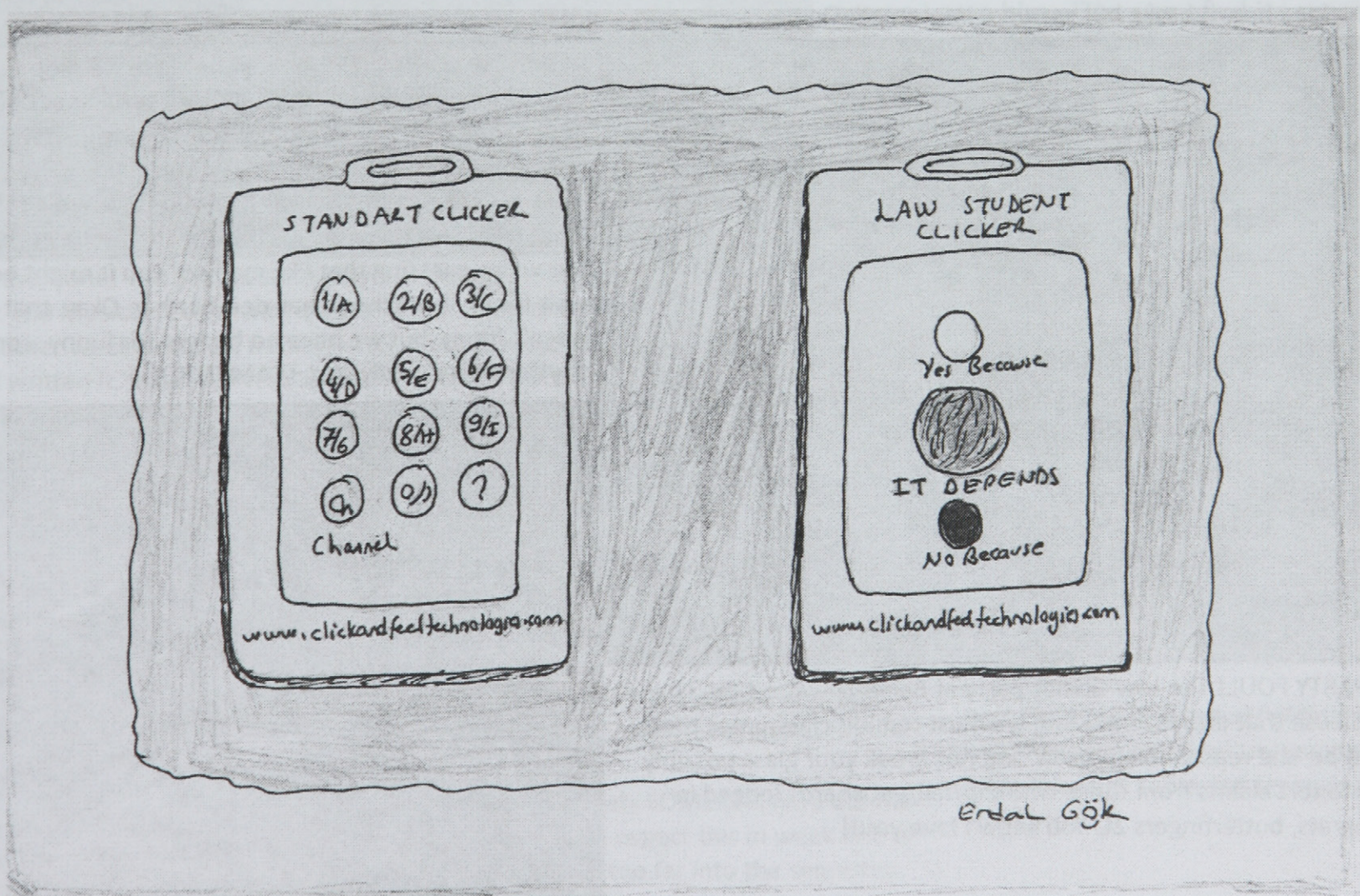
worked at the Canadian National Institute for the Blind (CNIB), which made me particularly sensitive to the accessibility of visual materials. I've often commented to my friends at the Faculty that even those who come to law school with 20/20 vision end up leaving with sore eyes due to the minuscule fonts in many of our coursepacks. The more aware students become of these kinds of issues, the more we will recognize the need for change. Coming to school in a wheelchair will not change the world, but I'm hoping it will set the stage for a dialogue about disability at the Faculty. I invite you all to contact me with any questions or comments.

Many thanks for your support with this initiative!

Law II

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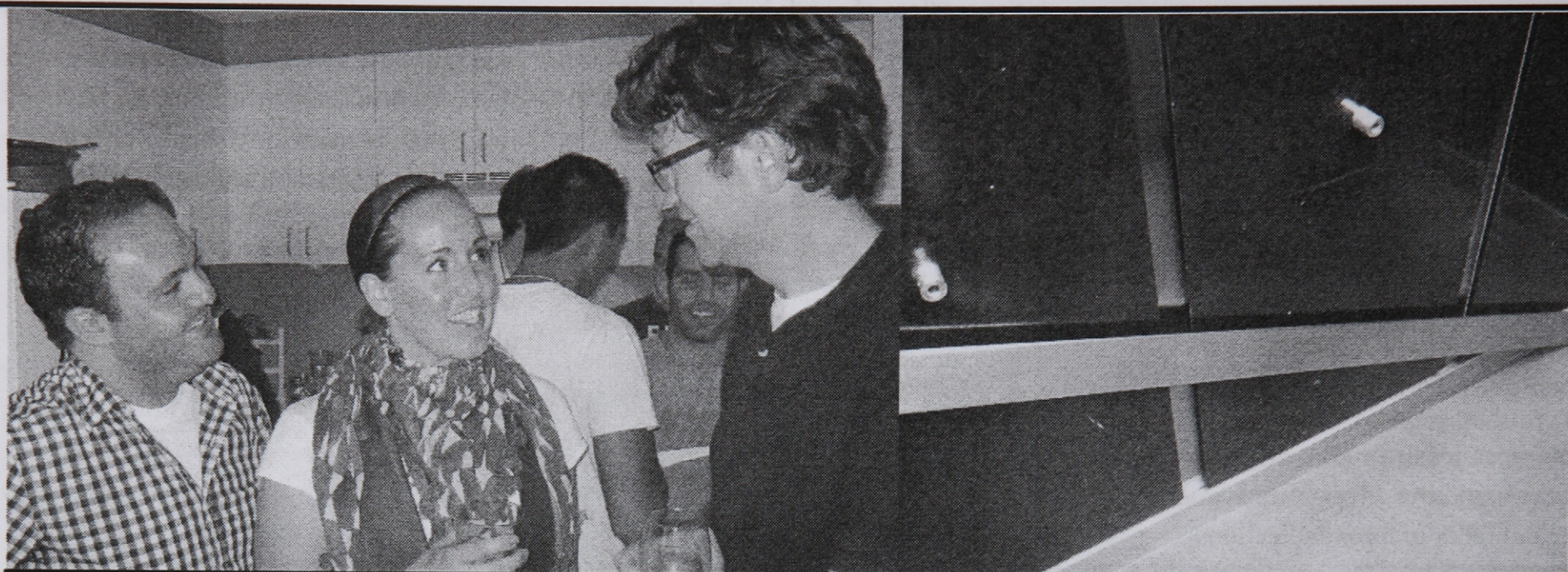
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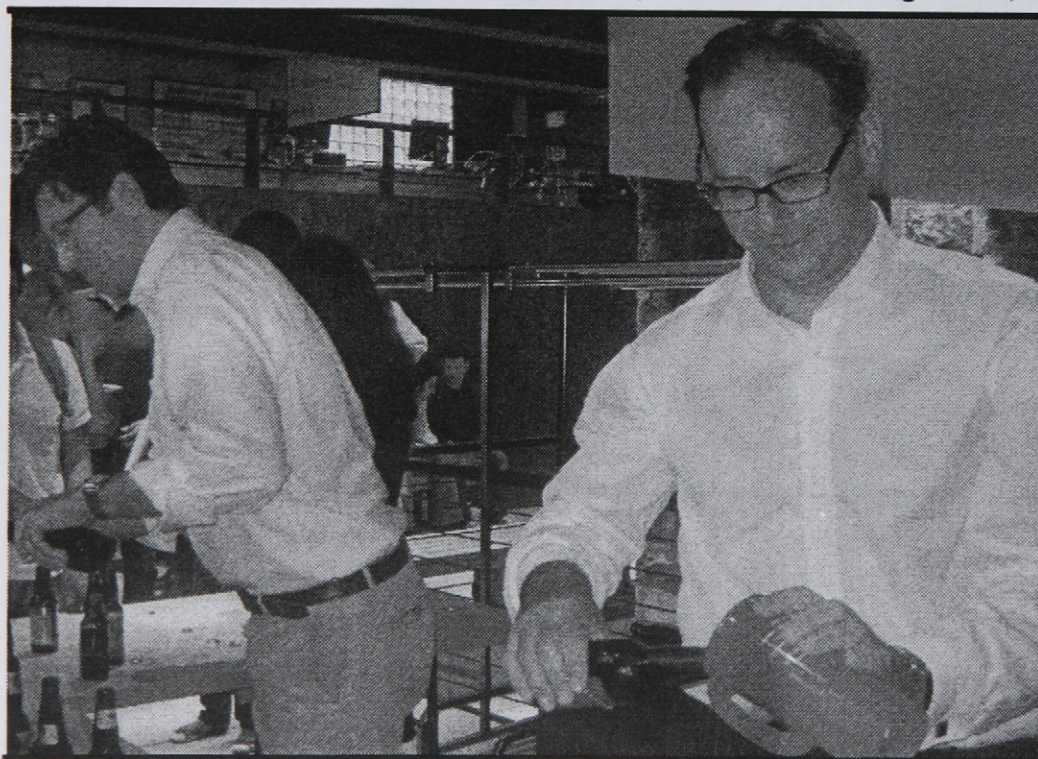
CHARLIE  
FELDMAN

# DROIT À L'IMAGE



Above left: SPOTTED: Prof. Leckey at a student party. Coolest Prof of the year award goes his way! The Quid meant to ask him important journalistic questions such as his thoughts on the Commission d'enquête sur le processus de nomination des juges (Commission Bastarache) or his thoughts on the state of legal education in Canada, but we didn't. Instead, we inquired as to his drink of choice. He told us, but we didn't write it down and promptly forgot. We are a first-rate publication!

Above right: PUBLIC SERVICE ANNOUNCEMENT: That metal thing in the elevator is NOT a bench. Stop sitting on it, fatty! Just kidding, we have no idea how it broke but we were impressed. On the bright side, it got fixed faster than the copy card machine...



At left: TIP YOUR SERVERS: Just because we didn't print it yet, Prof. Leckey and DEAN JUTRAS serving at Coffee-house. Apparently y'all did not tip very well, so we're guessing the Dean is not going to quit the Faculty to work at Café Campus as was rumoured. We're not sure what Dean will do when his time at the Faculty is over, but we're guessing that like many of you it might be ... wait for it .. bar school. har-dee-har-har. Okay, that wasn't funny, but we have no budget for funny... or for anything else, really. YAY TEAM QUID!

At Right: PARTY FOUL! The Law Games party at Benelux was off the chains (can we still use that expression?) But, we must remind classmates that one should be 'the reasonable person' and not break your glass possibly giving rise to tort claims from those who slip/fall/get shards lodged in them. Congrats, butterfingers 2L. You know I love you!!

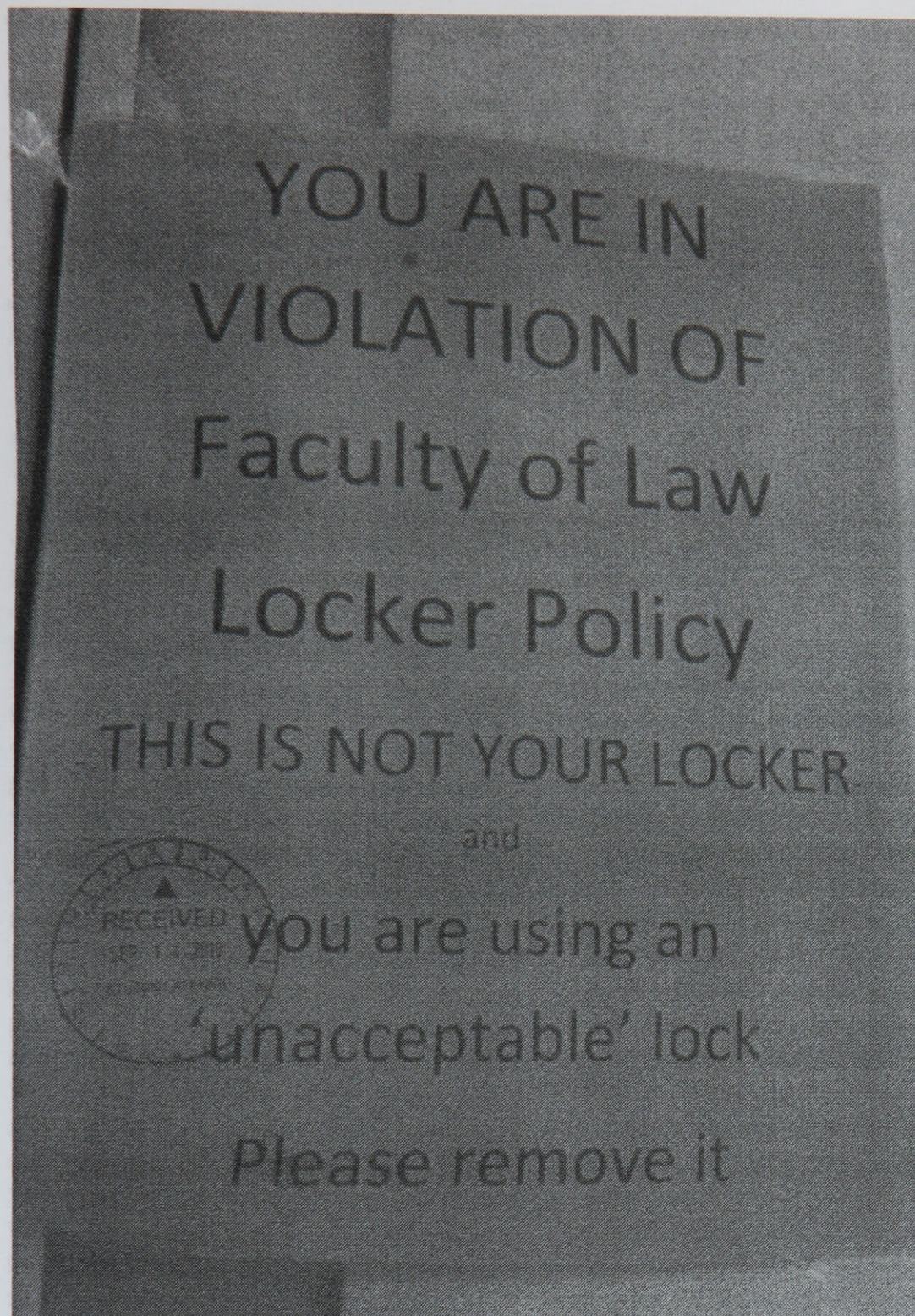




# I SAW THE SIGN

I was asked to reprint this in the Quid, so here it is... 10 discussion topics for this locker sign:

- 1) 'Unacceptable' - why the single quotes? Is it really acceptable?
- 2) Where's the French?
- 3) Why is the 'and' so small?
- 4) 'Please remove it' - remove the lock and change it with another lock? Remove the locker? Remove the paper? Quite unclear.
- 5) The stamp - just because it is marked received does not mean service was given - didn't anyone take JICP?
- 6) Why are there dashes before and after 'THIS IS NOT YOUR LOCKER' which itself is in caps for seemingly so reason?
- 6b) 'you are using an unacceptable lock' - all lower-case for a reason?
- 7) I'm sure that tape violates some Faculty policy... AND it's infringing on the adjacent locker - CCQ violation, anyone?
- 8) Who picked that colour? It's not exactly 'warning red' ... it's more ... 'perturbed pumpkin'. Very fall. Very Doritos... very cheese and nachos - as in 'not-cho locker' (credit: JD, 3L)
- 9) As Prof. Macdonald once commented on a memo I gave him - 'The use of white space is not visually pleasing'. I'm sure the same applies to orange space.
- 10) Font choice. Someone must love the new Word standard template, except the margins look modified - That's at least a letter grade down!



Howdy everyone! The promised Legally Blonde: The Musical review will have to wait another week because, frankly, I haven't written it. Instead, I've been devoting time to an opus for Legal Education Seminar that I may reprint here eventually.

So, last week, there were some goofs in this section. Like, pretty major goofs. Well, the errors ranged from the word 'bagels' getting replaced by 'Tic-Tacs' to quotes being misattributed. My deepest apologies to anyone I mis-quoted. For example, Prof. Leckey's suggestion for Matteo's was 'A Step Down' instead of the printed 'Step Down'. Between my illegible short-hand and a friend whose edits made things

worse, there were some errors that are frankly, unforgiveable. I think I have my Quid mojo back this week and hopefully there will be no mistakes! Have a great week, everyone.

**If you have anything to submit: quid.charlie@gmail.com or hit me up on Facebook.**

## Professorial Overheards

Prof. Moyse: Tout la question de chocolate, qui a consommé cinq ans de ma vie...

Prof. Gold: Surely SOMEONE here did the readings! I can expect this in week one or two but we're too far into the semester

for you ALL to have blown them off!

Prof. [Redacted]: If some of you didn't get the date you wanted for your presentation, a few of you can change - but, it has to be a good reason, like, that's the day you're supposed to have a baby or something.

Prof. Klein: I'll recap this in two sentences or less - but there will be many, many semicolons in those two sentences.

Prof. [Redacted]: If I tried holding up the SAQ, I wouldn't just put my weapon down when the cops came and try saying 'oh it wasn't me'.



CHARLIE  
FELDMAN

# DROIT À L'IMAGE - SUITE

Prof. Klein: It's boring, but this is how your rights get violated – through boring bureaucracy!

Me. Mitchell: It's not that judges went to law school that makes them special!

Prof. [Redacted]: If you're going to do illegal things – you're best off doing them inside your home!

Prof. Gold: How many of you know biology? [very few hands raised]  
Prof. Gold: ... Then I won't draw pictures.

Prof. [Redacted]: The police go to where the drunk drivers are to catch them. There's always a roadblock on Crescent and Rene-Levesque.... Trust me, I grew up in this city.

Prof. Moyse: Vous n'êtes pas réveillés ce matin? C'est sure que je ne fais pas de bonnes jokes, mais... franchement.

Prof. [Redacted]: California has a population larger than Canada. So the judges of the California Supreme Court are like judges on the Canadian Supreme Court...

Prof. [Redacted]: We'll come back to dead bodies...  
[later]  
Prof. [Redacted] I'll come back to slavery.  
2L: [Redacted] is such a tease.

Prof. Moyse: Dans deux jours c'est fini hein... (awkward silence) L'été je veux dire. Non, non, on n'a pas terminé de se voir.

**Prof. Jukier: (No, I don't have a quote from her, but I KNOW SOME OF YOU DO!! Please, especially you first years, spy for me.... ) :-)**

Prof. [Redacted]: Suppose you have... in your car... a small amount of ... medicinal marijuana... that you acquired through

the ... non-traditional, non-approved channels...

Prof. [Redacted]: I'm not encouraging any sort of drug trade, use, possession, or consumption in this class – I'm just pointing out ambiguities in the law....

## Student Overheards

3L: I'm opting out of QPIRG... not cause I care about it, just because I'm cheap and the cafeteria is expensive...

4L: I can't believe I had to buy a clicker in my last semester. NO LARGE LOCKER AND NOW I HAVE TO WASTE MONEY ON A CLICKER – I HATE YOU, MCGILL!

2L: I wish the Code were like a treasure map and like, when you found the right article there was a giant X next to it like 'HERE! YOU FOUND THE TREASURE!'

3L: ... and so please ignore the poo stain on my pants ...

3L: That time when Facebook was down was pure TORTURE in class

1L: Why is it called coffeehouse if they don't serve coffee?

1L: There is seriously a fooseball tournament? This place is awesome!

3L: I think you've hit your quota for the number of times you can say 'cock' in a given class. (... This was said after a reading of s. 447(3) of the Criminal Code)

EXCHANGE: Ooh! Well, we all do enjoy a Girls Aloud sing-a-long!

3L: They'd better tell us when we're doing yearbook pictures because I need to get new extensions before then

1L: How incestuous is the Faculty? (Quid:

This is where an annotated bogenda comes in handy).

... and that's all I have this week ... it was a light week apparently. if you have anything – it's anonymous, I swear. AND A HUGE THANKS TO EVERYONE WHO CONTRIBUTED :-)

## Random Comments on Hits of Yesteryear

When I ask/force people to write for the Quid, I am often asked, "What should I write about?" The general rule is to write what you know – opine on your passion. In that regard, being passionate about pop music, I would like to provide commentary on Billboard hits from this day in history.

What's the real impetus for this? Well, I was listening to the radio the other day and the DJ said the next song would be "Just the Way You Are". Did I hear Billy Joel after the break? NO. Instead, I heard the current Number One song on the Billboard Hot 100 - "Just the Way You Are" by Bruno Mars. I was sad to think that for some youngins this will be the song that comes to mind when someone says 'Just the Way You Are'. Personally, this is very upsetting! So, how does this translate into what follows? It doesn't, other than I just felt like doing it, so here we go. (Thanks, Billboard, for the information!)

### September 28, 2009 – 'I Gotta Feeling' – The Black Eyed Peas

Overplayed and terrible. Music – and humanity – would benefit from the Peas disbanding. This is truly how I feel about it. I know they say if you don't have anything nice to say you shouldn't say anything at all, but I think by extension if the sounds you make are going to be unpleasant, you shouldn't make any noise at all. Someone please let Fergie down gently. I don't



want her writing another weepy song that somehow becomes a hit (supra. at 'Big Girls Don't Cry').

**September 28, 2008 – 'So What' – Pink**  
(Or, if you prefer, P!nk)

Catchy enough. I take issue with the line 'So what, I'm still a rock star'. Were you ever really a rock star? I mean, you're trying to become one, but for those of us who remember your early works (cf. 'Most Girls') it doesn't really work. And honestly, in 'So What' you keep saying 'I wanna start a fight', which is a far cry from your refrain from 'Most Girls' wherein you repeated 'I just want real love'. Do you want a fist-fight or a wedding ring? Maybe the lesson here is that love is a fight.... in which case Pat Benatar still has you beat with 'Love is a Battlefield'. As a side note, the men in the 'Most Girls' video have an oil sheen rivaling the gulf coast, and really, the whole song is the opposite of rock star.

**September 28, 2007 – 'Crank That (Soulja Boy)' – Soulja Boy**

Does this qualify as music? I'm not sure. All I know is that at Welcome Ball this played and it seems many people have not learned how to 'Crank That' properly. You've had three years to learn the dance, folks. If you can't do that, I can only imagine how you propose to, as Soulja suggests, "supersoak that ho". What does that even mean? I just assume he meant 'hoe' and was encouraging us to deep-clean/power-wash our garden tools. Very pragmatic advice, if you ask me.

**September 28, 2006 – 'Sexyback' – Justin Timberlake**

Please return sexy to wherever you found it. Not that the song's bad... there's just no point to it. You brought sexy back. Great. Where was it? You are scant on the details. That said, you do make a note of saying what sounds like 'just turn around and I'll pick up the slack' - I would never have pegged you for being a man with a back fat fetish; I didn't even know that existed. Oh, and some advice: maybe try to have another hit soon, that'd be great.

**September 28, 2005 – 'Gold Digger' – Kanye West ft. Jamie Foxx**

I don't really have much to say about this since I danced to it in Common Law Obligations (it makes sense for the Lac Minerals case, trust me, even if the connection was not well explained in that particular presentation). In any event, I'm real happy for you Kanye, and imma let you finish, but the Ray Charles version is/was/will be the best of all time! Oh, also, your new song about 'Let's have a toast to the douchebags' is what I now hear in my head every time I'm at coffee-house and see people cheers one another, so thanks for that.

**September 28, 2004 – 'Goodies' – Ciara ft. Petey Pablo**

Guilty pleasure from the college days. The question of course: Where are they now? Petey got arrested earlier this month, and she's, well, off the radar but still recording music (allegedly). The one contribution from this song? The line "I'm not being too dramatic - it's just how I gotta have it!" It seems to work in song, but it doesn't work at the SAO as a justification for a larger locker. Who would have guessed?

**September 28, 2003 – "Shake Ya Tailfeather" - Nelly, P. Diddy & Murphy Lee**  
I forgot about this one! I wonder why... oh wait... I forgot about it because it has lyrics like "Is that your ass or [did] your momma have reindeer?" I really have nothing else to say...

**September 28, 2002 – 'Dilemma' – Nelly ft. Kelly Roland**

This song is tainted for me because I associate it with a terrible date. The song played on every radio station every few minutes (or so it seemed) and my friend's pick-up truck only had a radio. What made this date so bad? Let's just summarize it with the lesson I learned: Check very VERY carefully at the movies before you put your feet up that there isn't a little person sitting in the seat in front of you. Things can only go downhill quickly when someone yells "I MIGHT BE A MIDGIT BUT THAT DOESN'T MEAN YOU CAN STEP ALL OVER ME!" True story.

**September 28, 2001 – 'I'm Real' – Jennifer Lopez ft. Ja Rule**  
Ooh! Such a confusing time in music –

there was 'I'm Real' by J.Lo, which was fine on its own. Then, Ja Rule came along and the song changed ENTIRELY in this version. Apparently she wasn't real enough in the first 'I'm Real'? I'm not really sure. With this week's confirmation that Mrs. Lopez will be an American Idol judge, we must ask ourselves if this is, in fact, what we consider singing / good music. Am I kidding? Nah, I'm real.

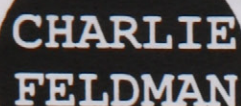
**September 28, 2000 – 'Music' – Madonna**

We learn in contracts that just because you call something a contract doesn't mean it is one. Same generic principle applies to this song – it may be called music but I'm not convinced it actually is..... and, secretly, I want Madonna to write a book called 'Book' and maybe start a clothing line called 'Clothes' – perhaps even launch a restaurant chain called 'Food' while we're at it.... Really, this song introduced the word 'bourgeoisie' to a new generation of Americans. Sadly, they all believe it's something you mix with 'rebel', you know, to make a mixed drink or something.

**September 28, 1999 – 'Unpretty' – TLC**  
Not my favorite TLC song but it had such an important message (conveyed particularly well in the music video). So, I think for this one I'll put my glass of haterade down and give these three ladies a pass, and remind you that you're beautiful and shouldn't let anyone/anything make you feel 'so damn unpretty!'

**September 28, 1998 – 'I Don't Want To Miss A Thing' – Aerosmith**  
'I could stay awake, just to hear you breathing...' is the first line of this song... and I think it's a lie. Who listens to you breathing other than a cardiologist, a serial killer, an insomniac or some kind of strange person with a lung fetish.... And really, isn't this really just a polite way to say 'Your snoring kept me up?' Yeah, that's what I think. Really, he wants to say 'I stayed awake BECAUSE I heard you breathing... and it sounded like a charging water buffalo'. Honestly, if someone had some breathe right strips this song would have never existed.




**CHARLIE  
FELDMAN**

# DROIT À L'IMAGE - SUITE

## September 28, 1997 – 'Honey' – Mariah Carey

Obviously this is the greatest song ever made, well, the remix (Bad Boy) at least. I think my neighbors know every word, and this may or may not be due to my loud performances of this in the shower. Really, I also love that the dancing in the video is so bad I can also do the dance from the video in the shower; whereas, dancing other videos in the shower leads to disastrous and painful falls. Mariah gets props for throwing in the words 'blatant', 'elusive', and 'abruptly' for seemingly no reason – middle school vocab book three, I miss thee.

## September 28, 1996 – 'Macarena (Bay-side Boys Mix)' – Los Del Rio

Admit it – you know the dance. Also, admit you have no idea what the song is about. Yeah, I got nothing on this one...

## September 28, 1995 – 'Gangsta's Paradise' – Coolio

Weird Al made fun of this one already so there's not much left for me to do suffice it to say 'As I walk through the valley of the shadow of death...'

## September 28, 1994 – 'I'll Make Love To You' – Boyz II Men

One of the greatest songs of our time!! There's a reason I have serenaded many of you with this around the Faculty – it's awesome! It straddles that ever-so-fine line between sexy and cheesy and puts anyone in the mood... to think about contracts. Because really, he's offering, the acceptance is unclear, but there's a lot of boasting re performance... yeah, on second thought, law school ruined this song for me. Try to listen to it without thinking 'invitation to treat'.

## September 28, 1993 – 'Dreamlover' – Mariah Carey

So light and fluffy – airy and cutesy – this is kind of like civil law property in that I love both with an undying passion. The perfect song? Nah. But it's pretty perfect

in its own way. The only issue for me is the line 'Take me up, take me down, take me anywhere you want to baby now'. Mariah, you can say where you'd like to go. Otherwise we're heading to Thomson House by default. That, and I hope you realize that when hubby Nick Cannon takes you anywhere it's because he's spending your money to do so. Be careful what you wish for!

## September 28, 1992 – 'End of the Road' – Boyz II Men

LOVE THIS SONG! Mostly, I just love that cheesy spoken bass part where we get the soulful narration relating that though he's aware she's been unfaithful he doesn't care because he'll always love her.... Excuse me, I need my tissue box, this is some Days of our Lives drama going on. Also, this one is good for Faculty sing-alongs and the occasional end-of-coffee-house slow dance.... and I have video to prove the later. Quid Online Special in the works? Perhaps.

## September 28, 1991 – 'I Adore Mi Amor' – Color Me Badd

Early 90s cheese. Clearly, there was a lack of bilingual ballads at the time. Really, that's the only reason I can think of to justify the writing of this tripe. What gets me on this one is the video – try to watch it without cringing. I dare you. Is this really my way of telling you that this is a guilty pleasure? Yes, yes it is.

## September 28, 1990 – 'Release Me' – Wilson Phillips

No, this is not the 'Someday somebody's gonna make you wanna turn around and say goodbye' song. That's "Hold On". And really, I was always confused because the message of one is to 'Hold On' but the other says to ask to be released? I guess I'm just easily confused. All I know is that if estrogen made a noise I think it would sound an awful lot like this, especially if it came as an air freshener releasing bursts of scent. Plug it in, plug it in!

## September 28, 1989 – 'Girl I'm Gonna

## Miss You' – Milli Vanilli

Time for an admission: I didn't know this one. My Milli Vanilli favourites are 'Girl you Know it's True' (so hilariously bad!) and 'Blame it on the Rain' (seriously?). Now that I'm listening to this I can't imagine why it was a hit. That said, some of you were possibly conceived to this song, so think about that. And then puke. Never say I never gave you anything – that vile taste in your mouth is a gift from me to you!

## September 28, 1988 – 'Don't Worry, Be Happy' – Bobby McFerrin

Don't listen to this one unless you want it suck in your head FOR HOURS. There is, in fact, such a thing as too catchy.

## September 28, 1987 – 'Didn't We Almost Have it All?' – Whitney Houston

No, Whitney, you HAD it all!! Fame, fortune, beauty, the voice!!!!... and then you decided you needed Bobby Brown and crack rock. I mean, yes, the vocal gymnastics on this one are a little much at points – not as bad as 'One Moment in Time' – but it's just... so upsetting to think about how you sing this one now. Oh wait, you don't sing it live anymore because when you do it sounds like the exhaust coming out of a lawnmower. \*tears are overflowing\* COME BACK, OLD WHITNEY \*more tears\*

Really, I'm crying too much over old Whitney to keep going through historical Number One hits from this day in history. That, said, I'd just like to shout out the Number One from this date in 1981 – 'Endless Love' by Lionel Richie and Diana Ross. I really want two Profs to sing this at Skit Nite. Possibly as 'Endless Law'. We'll talk about it. The year prior, 1980, Diana Ross was also at Number One with 'Upside Down'. Respectfully I say to thee this song is ridiculous. Jumping to 1976, it was 'Play that Funky Music' – which I blame for setting the stage for Vanilla Ice. This week in '68, the Number One was 'Hey Jude' and I think that's a good place to stop this trip down memory lane.



# WHAT ARE WE CALLING MATTEO'S?

Well, here is the list of nominated names... cast your vote: [quid.charlie@gmail.com](mailto:quid.charlie@gmail.com)! Yes, you can also write-in another suggestion. And, if you'd like to be anonymous, you can put it in the Class President III box in the LSA office. And the nominees are:

The Lawferteria  
The Food Court  
The Barrister's Club  
The Oakes Test Café  
Basterache's!  
Church  
The Tabernacle (Tabarnac for short)  
That's what she said!  
Snacks and S%?t!  
Escargot  
After Matteo's  
A Step Down  
The Imposition  
The Aftermath  
Imperialism-at-its-finest  
The Crap-o-teria!  
Herpes  
The Grundel  
McLachlin's Munchies  
Mattwo's  
Ibid.  
Supra.  
Infra.  
Transfat

"Charlie I'm just going to start saying curse words just to see if you'll print them in the Quid"

... And that's all I have. Happy eating, happy voting!!





*A friend of the Quid*

# NICE LITTLE SATURDAY.

Today's Facebook status is: "Adam Hardiman just pulled off a well-meaning, yet somewhat pathetic act of good samaritanism at St. Luke's Park. Hilarious and also brutal. Nice little Saturday."

Here's what actually happened:

I was walking home from the gym this afternoon and noticed two boys (probably about 11-12 years old) playing basketball at St. Luke's Park. Their rubber b-ball (use leather indoor-outdoor for God's sake) was stuck between the rim and the backboard. They were hucking a football at it along with a pogo stick in an attempt to dislodge. No dice.

At first, I wasn't going to help. I was halfway through a mean Tall (as in, small) Latte, had Def Leppard blaring on the iPod, and was about to enjoy a nice breakfast sammy from Crackbucks.

But, at second glance, I got a change of heart. I had been in this situation many times as a youngster. Years of hoops training were finally going to help the downtown Ottawa community I now call home. Golden Triangle represent.

I raised my voice (yelling in Ottawa is in fact prohibited, even in both official languages) to ask the boys if they wanted help.

The answer in classic, polite O-Town fashion: "Please mister, that would be great."

So I cross the street, stroll over and open the gate, feeling like a cross between Hulk Hogan (post-workout, remember) and one of the adults (let's go with Mr. Hooper) from Sesame Street.

I walk across the court, make some quip about being able to dunk once (true, but that was back during the first W. Presidency), and tell the boys that this shouldn't be a problem.

I empty my pockets to ready myself for neighbourhood glory. Any ladies watching? iPod, wallet, keys, coffee, enviro-friendly water bottle, recently-filled prescription (I swear) hit the blacktop.

The first jump was actually pretty solid, but the ball was seriously wedged. I budged it maybe an inch. But there was no doubt I would get it on the next try. Right.

Sidebar: There was a time when I could have grabbed the ball with two hands in this situation. Easily. So we're already sprinting down washed-up athlete lane.

What I haven't noticed is there are some stray maple leaves dotting the area under the basket. I'm also wearing very lightweight runners that aren't AT ALL designed for jumping and landing, especially on pavement. Thirdly, I also suck.

I go up hard. Big-time Pylometric jump. Arms swinging. Upward force galore. I just about knock the ball free, but, like I said, it's really stuck. I'm starting to think I might be the mark in one of those Just for Laughs, voyeur-style gags. We are relatively close to the Quebec border, after all.

Thing is, that would have been less embarrassing. I lose my balance on the way down. I'm flailing around like Sarah Palin at a domestic policy debate: I look pretty, but going down hard is the inevitable result. Ol' Nike 5 runners have no chance on the landing. I'm no Kerri Strug. I go tits (pecs?) up, half skidding and half falling over. Like, I seriously wipe out. I let out one of those manly "uhh" grunts when I hit the deck. It would be like if I told you to jump in the air as high as you possibly could, and then once you were at the apex, Andre the Giant smashed you across the face with a steel chair. Ball, 2, piece-of-shit-way-too-proud-me, 0.

Not only are the two boys watching, but the young woman that works at the nearby fieldhouse has come out from her post. A mom walking by on Frank Street with a stroller does one of those "I was totally watching you fuck that up, but now I'm acting like I didn't notice that, even though you just saw me quickly look down." The families at the play-end of the park are also consuming the aftermath of my epic fail.

I roll over, dust myself off, and get up from the pavement. To be fair to myself, I had just come from an ab workout, and had gone for a cross-country run the day before. In many ways, my body was clearly not ready for this.

The red-headed boy takes one look at me, and sheepishly, to his would-be saviour, says: "Um,



mister, are you okay? You can just use the uh, pogo stick, I think you're tall enough." No shit, kid. That's not the problem. I'm not smart enough.

Now, I'm a pretty sharp guy most of the time. Ask me to tell you where the health care system is headed over the next decade, and I can give you a pretty thoughtful answer. Need a quick response to a killer burn at the bar, and I'll rip the opposing jokester to shreds.

But on matters of pride, I'm in Forrest Gump territory. I don't know when to give up. It's an admirable quality to an extent, but sometimes you NEED to know when to stop. Based on this brief character profile, you can guess what I did next.

One. More. Jump.

My ass and back hurt, my abs are burning from earlier, my knees are shot to begin with, and I'm about 20 pounds over my former playing weight.

"Naw, kid, \*cough\*, I got this. One more time."

Even the poor, traumatized, shell-shocked, and otherwise well-adjusted children, who only minutes ago were beaming at the prospect of getting their ball back, are dismayed by my lack of understanding of the situation. In six years, when testosterone has kicked in and they have gained some life experience, one of them will say, "Fuck, buddy, just use the pogo stick." Under their breath, at least.

Oh wait, this is Ottawa, my mistake. I'll get a sternly-worded letter in both official languages asking me to cease my behaviour.

So I go up one more time. I get enough of the ball to knock it loose. I land safely, pride still bruised. Thank you, Christ. This is one of the those Footprints this-is-when-I-carried-you-child moments my grandmother talks about. The ball trickles in the basket, tickling the chain mesh. Barely. I grab the ball and hand it to the brown-haired youngster.

"Thanks, mister."

"No, boys, thank you. Anytime." I think.

Everything goes back in the pockets of my underpriced Nike sweatpants. Overpriced latte is still warm. Notre Dame is on this afternoon. Bottle of Canadian Club on ice for later tonight. Giants are in the pennant race.

Nice little Saturday.





COLIN  
BURN

*Weird old guy that still feels the need to write for the Quid*

# THE GRASS IS ALWAYS GREENER IN NEW YORK CITY

There is an old adage warning us that the grass is always greener on the other side of the fence. It's true. It does look greener. But it's also true after making that initial crossover, it will likely look greener on the side you just left.

Each September, a desperate competition takes place between many of the best students at McGill, as they seek to secure positions in New York, Boston and Toronto law firms. It's a battle based on the belief that the large firms in these cities offer the best positions for those interested in pursuing careers in corporate law. Conversations with a number of students who covet careers in these large financial centers leads one to the conclusion that these positions are perceived as the best for three primary reasons: 1) the money, 2) more complex files and 3) exciting cities.

It's my opinion that these beliefs do not stand up to scrutiny and objective analysis; and that the opportunities at the leading law firms in Montreal, Ottawa, Calgary and Vancouver offer better corporate law opportunities for lawyers on all three fronts.

First, the money: A sensible analysis needs to assess compensation after-tax and after the basic cost of living. Starting salaries in New York and Montreal may differ by some \$60,000 before tax, but that means only \$30,000 after; an amount equal to the difference in annual rent between a 1,000 square foot, one bedroom apartment in Old Montreal and the same apartment in the West Village. In short, the financial difference is gone before we finish comparing the cost of all basic needs, let alone some wants, meaning that students opting to pursue careers with leading Montreal law firms are actually earning more disposable income than their peers in New York.

Second, the complex files: It's true that New York's role as the center of the financial universe means more transactions and more litigation. But the New York market is extremely competitive; and the American law firm model is based on the leveraging of a large number of junior attorneys. In practical terms, this means

that young associates tend to play smaller roles in transaction or litigation teams than their Montreal counterparts. In Montreal, it is not unusual to have direct client contact or to plead in court in the first year out of law school. As a young lawyer, understanding a file often means seeing the totality of the file and that is more easily available at a few of the leading firms here in Montreal.

Finally, those exciting cities: There's no doubt that New York is an exciting city, for those with time and money. But the life of a corporate attorney simply does not jive with our romantic, mind's eye view of life in New York City. Young associates in major corporate law firms in all major markets need to put in long hours, with very few opportunities to enjoy life outside of the office. But the billable hour expectation level for associates in New York law firms is most certainly higher than in Montreal. The reality is that Ally McBeal and Deny Crane are not accurate representations of life in large corporate firm in Boston or New York...or anywhere.

You might not agree with everything I've written here; but I hope that this is enough to give pause to those of you that are going through OCIs. If you don't believe me, seek out the opinion of one or two Canadian lawyers working in New York. There's no shortage of lawyers regretting their decision to go to New York who are now clamoring for positions with Canadian law firms.

If you are doing New York, Boston or Toronto recruitment, I wish you good luck. But I also recommend that you consider applying to some of the three or four leading law firms here in Montreal (or Ottawa, Calgary and Vancouver), which is possible thanks to what the firms call "special recruitment". Because, for my money, it is the major firms in Canadian cities outside Toronto, like our own exciting city of Montreal, that offer McGill students not only a higher quality of life, but, quite frankly, a higher quality legal career.



## EVENTS AND ALUMNI

# VOLUNTEERS NEEDED!!

For special events the Faculty of Law requires assistance on a part-time basis.

The names of interested students will be kept and the work will be distributed among them. Some events will require only one student and for others more will be needed.

Duties will vary according to the event but will include preparing rooms, taking photographs, providing directions, serving food and drinks, assisting guests and similar tasks.

Courtesy, good humour and a smile are essential requirements!

Many Faculty events take place in the evening and some, though rarely, on weekends.

If you are interested please send an e-mail to:

Maria Marcheschi

Special Events & Alumni Relations Administrator

Faculty of Law

maria.marcheschi@mcgill.ca

## THINKING ABOUT GRAD SCHOOL?

SAO

### Info Sessions for all Undergraduates

**Thinking About Grad School: Is Grad School For You?**

\* Oct 4 from 12:00 noon to 1:00 pm in Leacock 232

**Thinking About Grad School: Your Application to Graduate School**

\* Oct 5 from 12:00 noon to 1:00 pm in Leacock 232

**Thinking About Grad School: Sneak Peak Into Grad School**

\* Oct 6 from 12:00 noon to 1:00 pm in Leacock 232

Login to myFuture to registration

## SUBMITTING AN ASSIGNMENT?

Submission of assignments to the SAO:

\* **All assignments** must be handed in to the SAO before 15:00, unless an earlier time is specified by the instructor. Late submissions will be subject to late penalties.

\* All students are required to use the SAO formatted cover page for assignments, papers, essays....

\* The SAO only accepts **hard copy submissions**. Electronic submissions are not considered official. An instructor may request an electronic version, but this does not exempt the student from the requirement of submitting a hard copy to the SAO on time.

\* **All assignments submitted to the SAO are final** - students will not be permitted to submit any additional work or an alternate version. Only the initial submission to the SAO will be forwarded for grading. Additional work will be subject to late penalties.

\* Students who feel they may warrant an extension must submit the request in writing directly to the Student Affairs Officer Nancy Czermel **prior to the submission deadline**. The SAO does not grant extensions for the following reasons: employment, travel, vacation or social plans.



